

REMARKS

Claims 1-6, 43-48, and 85-90 are pending. By this amendment, claims 1, 43, and 86 are amended. No new matter is introduced. Support for the amendments may be found at least at page 9, lines 19-20 of the specification. Reconsideration and allowance of all pending claims is respectfully requested in view of the preceding amendments and following remarks.

Claim Rejections Under 35 U.S.C. §103

Claims 1-6, 43-48, and 85-91 are rejected under 35 U.S.C. §103 (a) over U.S. Patent 6,064,986 to Edelman (hereafter Edelman) in view of U.S. Patent 6,061,661 to Hagan (hereafter Hagan) and further in view of "The Handbook of Fixed Income Securities" by Fabozzi, et al. (hereafter Fabozzi). The Office Action asserts that Edelman teaches the feature of determining, via a computer system, when to end an investment period based on parameters at column 11, lines 10-17, column 25, lines 54-56, and claim 2d and 2e. This rejection is respectfully traversed.

Claims 3 and 45 were cancelled in the July 14, 2004 Response. The rejection of claims 3 and 45 is moot.

Edelman is directed to a computer program product, system or process that administer resources of a customer for the benefit of a beneficiary. Hagan is directed to a system for monitoring increasing income financial products. Fabozzi is directed to Fixed Income Securities. However, Edelman, Hagan, and Fabozzi, individually and in combination, do not disclose or suggest "determining, via a computer system, when to end an investment period based on parameters that include a percentage distribution of the funds between the fixed component and the contingent component; and distributing all of the fixed component, the contingent component, the fixed interest, and the contingent interest when the investment period has ended," as recited in amended claim 1 (emphasis added). Edelman recites, at column 11, lines 10-17, column 25, lines 54-56, and claim 2d and 2e, respectively:

The instructions and the process also include determining, by the user or the computer, a predetermined period of time based on an age of the beneficiary at which withdrawals do not incur a tax penalty, and administering, by the trustee with the assistance of the computer, the resources in an annuity investment growing tax deferred for the predetermined period of time or until occurrence of a predetermined event. The predetermined event enables withdrawals without incurring tax penalty.

.....

When the beneficiary reaches the age of distribution (designated by the Grantor), the trust assets will be distributed to the beneficiary.

.....

(d) determining a predetermined period of time based on an age of the beneficiary at which withdrawals do not incur a tax penalty;

(e) administering the resources including allocating of the resources in an annuity investment for at least one of the predetermined period of time and until occurrence of a predetermined event;

As apparent from the cited passages, Edelman's system determines a predetermined period of time based on an age of the beneficiary at which withdrawals do not incur a tax penalty.

When the beneficiary reaches the age of distribution, the trust assets will be distributed to the beneficiary. Edelman's system administers or allocates resources in an annuity investment for the predetermined period of time (based on the age of the beneficiary) or until occurrence of a predetermined event (such as death), which enables withdrawals without incurring tax penalty. In short, Edelman's system only determines a time period based on a beneficiary's age or a special event so that the beneficiary can withdraw his or her investment without incurring tax penalty. Determining a time period based on a beneficiary's age or a special event is very different from determining when to end an investment period based on a percentage distribution of the funds between the fixed component and the contingent component. This novel feature of amended claim 1 is not disclosed or suggested by any of the cited references. Accordingly, amended claim 1 is allowable.

Claims 2, 4-6, 85, and 91 are allowable at least because they depend from allowable claim 1 and for the additional features they recite.

Regarding claim 43, for at least the same reason as stated above with respect to claim 1, Edelman, Hagan, and Fabozzi, individually and in combination, do not disclose or suggest "wherein the data structure determines when to end an investment period based on parameters that include a percentage distribution of the funds between the fixed component and the contingent component, and wherein all of the fixed component, the contingent component, the fixed interest, and the contingent interest are distributed when the investment period has ended," as recited in amended claim 43 (emphasis added). Therefore, amended claim 43 is patentable over Edelman, Hagan, and Fabozzi.

Claims 44, 46-48 are allowable at least because they depend from allowable claim 43 and for the additional features they recite.

Regarding claim 86, for at least the same reason as stated above with respect to claim 1, Edelman, Hagan, and Fabozzi, individually and in combination, do not disclose or suggest "determining, via a computer system, when to end an investment period based on parameters that include a percentage distribution of the funds between the fixed component and the contingent component; and distributing all of the fixed component, the contingent component, the fixed interest, and the contingent interest when the investment period has ended," as recited in amended claim 86 (emphasis added). Therefore, amended claim 86 is patentable over Edelman, Hagan, and Fabozzi.

Claims 87-90 are allowable at least because they depend from allowable claim 86 and for the additional features they recite. Withdrawal of the rejection of claims 1-2, 4-6, 43-44, 46-48, and 85-91 under 35 U.S.C. § 103 (a) is respectfully requested.

In view of the above amendments and remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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